

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 7085 – SB 7056

August 21, 2023

SUMMARY OF BILL: Requires the juvenile court records of a person who has been transferred to an adult criminal court and subsequently convicted and committed to be expunged only by a court order issued pursuant to the criminal procedure for non-juvenile offenders.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Tennessee Code Annotated 37-1-153(f) currently states that a juvenile that has been tried and adjudicated delinquent or unruly may file a motion for expunction so long as:
 - The individual is currently 17 years of age or older and is at least one year removed from the most recent delinquency, has never been convicted of a criminal offense as an adult or of a sexual offense at any stage, and does not have an adjudication for a violent juvenile sexual offense or act or attempt to commit an act of terrorism; or
 - Has maintained a pattern of productive and civic-minded conduct for one or more years following the expunction motion; or
 - Has made such an adjustment of circumstances that the court believes expunction serves the best interest of the community and of the child.
- Tennessee Code Annotated § 40-32-101(g)(2) currently states that an eligible petitioner of a non-juvenile criminal court may file for expunction if the person has not been convicted of a criminal offense that is ineligible for expunction nor has been previously granted an expunction, the set amount of years has elapsed since the completion of their sentence, and the individual has fulfilled all the requirements of the sentence imposed.
- Although the proposed legislation may result in some juvenile offenders having to wait an additional period of time before they may petition for an expunction, it is assumed that this change will not create a significant change in workload for the courts and will therefore create no significant impact.
- Pursuant to Tenn. Code Ann. § 8-21-401(g) courts may charge a fee up to \$100 for expunctions.
- It is assumed that this alteration in the timing of some expunctions will not create a significant change in the total amount of fee revenue associated with the petitions; therefore, any fiscal impact is estimated to be not significant.

HB 7085 – SB 7056

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/cd